

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

CITY OF BELLEVUE and CAMILLE  
C. ARMER, et al.,

Appellants,

v.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY and EVERGREEN  
EAST CORPORATION,

Respondents.

PCHB Nos. 1010 and 1010-A

ORDER ON MOTION FOR RECONSIDERATION  
OF MOTION FOR SUMMARY JUDGMENT

THIS MATTER having come on for hearing before the Board on the  
29th day of October, 1976 on the motion of appellants for reconsideration  
of the Board's denial of their motion for summary judgment; the Board  
having heard argument of counsel, considered the Affidavit of Steven W.  
Hale filed with said motion for reconsideration and respondents' answers  
to the motion for reconsideration, reviewed the file and records, and  
being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED that:

1. The Indirect Source Order of Approval issued by Puget Sound

1 Sound Air Pollution Control Agency (PSAPCA) on March 12, 1976, to the  
2 Evergreen East Corporation is vacated and the application of respondent  
3 Evergreen East Corporation for an Indirect Source Review and proceedings  
4 thereon prior to the date of this Order are remanded to PSAPCA for such  
5 further consideration, analysis and review as PSAPCA may deem necessary.

6 2. After such further consideration, analysis and review, if any,  
7 PSAPCA shall publish, as required by Article 18.05(e)(1), a Notice of  
8 Indirect Source Application, Analysis and Preliminary Determination for  
9 the Evergreen East Regional Shopping Center. Copies of said Notice  
10 shall be mailed to all parties herein, and their attorneys of record in  
11 addition to such other notice as is required by Article 18.05(e)(1).

12 3. A thirty (30) day period shall be provided for public comment  
13 as required by Article 18.05(e)(1); Provided, that PSAPCA may request  
14 additional data, comment, clarification or explanation from any person,  
15 agency, firm or group whether a party hereto or not.

16 4. In the event of any appeal to this Board from the subsequent  
17 issuance of an order of approval or an order of prevention, the  
18 depositions and interrogatories taken in the PCHB 1010 and 1010-A  
19 appeals may be made a part of the record of the then instant appeal on  
20 the motion of any party or on motion of the Board, provided, that in  
21 any subsequent appeal any party thereto may avail itself of additional  
22 discovery pursuant to WAC 371-08-145, and, provided further, that the  
23 pleadings and procedural rulings of record in PCHB 1010 and 1010-A  
24 shall not be binding on any party in any subsequent appeal. Provided,  
25 however, the discovery and exhibits on file herein shall be made part of  
26 the record of any subsequent appeals relating to this same subject matt

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1 upon motion of any party insofar as it is relevant.

2 5. This Order constitutes a final judgment on the PCHB 1010 and  
3 1010-A appeals and any further appeal to this Board for review of the  
4 application of Evergreen East Corporation for an Indirect Source  
5 Review shall be filed as an original appeal pursuant to chapter 371-08  
6 WAC.

7 DATED this 1st day of November, 1976.

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9 ART BROWN, Chairman

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11 W. A. GISSBERG, Member  
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CERTIFICATION OF MAILING

I, Dolories Osland, certify that I deposited in the United States mail, copies of the foregoing document on the 1<sup>st</sup> day of November, 1976, to each of the following-named parties, at the last known post office addresses, with the proper postage affixed to the respective envelopes:

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Dolories Osland

DOLORIES OSLAND, Clerk of the  
POLLUTION CONTROL HEARINGS BOARD